

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Kemet Electronics Corporation,)	C.A. No. 6:09-164-HMH
)	
Plaintiff,)	
)	OPINION & ORDER
vs.)	
)	
DM Technologies, LLC, Michael Burke,)	
Daniel Johnson, Tom Trecartin, and)	
Betsy Smith,)	
)	
Defendants.)	

This matter is before the court on the parties’ consent motion to remand for lack of subject matter jurisdiction over the instant action. On January 22, 2009, Defendants DM Technologies, LLC, Michael Burke, Daniel Johnson, Tom Trecartin, and Betsy Smith (hereinafter “Defendants”) removed this civil action from the Court of Common Pleas of Greenville County, South Carolina.

Subsequent to removal, the court issued an order dated January 23, 2009, directing DM Technologies, LLC (“DM”) to inform the court of the citizenship of all of its members for the purpose of determining whether the requirements of federal subject matter jurisdiction are satisfied. See 28 U.S.C. § 1332; Gen. Tech. Applications, Inc. v. Exro Ltda, 388 F.3d 114, 120 (4th Cir. 2004).

On February 2, 2009, the parties filed a motion to remand. In the motion to remand, DM submits that a South Carolina resident has a minority interest in DM. In light of this fact, the parties consent to remand the above-captioned case to the Court of Common Pleas of Greenville

County, South Carolina on the basis that complete diversity of citizenship between Plaintiff and Defendants does not exist.

Therefore, it is

ORDERED that the parties' motion to remand, docket number 5, is granted. The court instructs the Clerk of Court to remand this case to the Court of Common Pleas of Greenville County, South Carolina.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
February 3, 2009